

PROB12A1

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**REPORT OF OFFENDER NON-COMPLIANCE**

**Offender Name:** Marcos Venegaz GONZALEZ

**Docket Number:** 2:03CR00082-03

**Offender Address:** Stockton, California

**Judicial Officer:** Honorable Edward J. Garcia  
Senior United States District Judge  
Sacramento, California

**Original Sentence Date:** 10/28/2003

**Original Offense:** 21 U.S.C. 843(b) - Use of a Communication Facility  
(CLASS E FELONY)

**Original Sentence:** 30 months custody of the Bureau of Prisons;  
12 months supervised release; \$100 special  
assessment

**Special Conditions:** Warrantless search; Drug/alcohol treatment, testing and  
co-payment; Drug offender registration

**Type of Supervision:** Supervised Release

**Supervision Commenced:** 08/12/2005

**Assistant U.S. Attorney:** Richard Bender **Telephone:** (916) 554-2700

**Defense Attorney:** Gretchen Von Helms **Telephone:** (619) 239-1199  
(Retained)

**Other Court Action:** None

**RE: Marcos Venegaz GONZALEZ**  
**Docket Number: 2:03CR00082-03**  
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### **NON-COMPLIANCE SUMMARY**

The purpose of this report is to advise the Court of an alleged violation of the terms of supervision. The Probation Officer has developed a plan to dispose of the alleged non-compliance with action less than revocation, and the Court is requested to approve the plan to address the non-compliance.

#### **1. ILLICIT DRUG USE - COCAINE - 12/03/2005**

**Details of alleged non-compliance:** On December 3, 2005, Mr. Gonzalez submitted a urine sample that returned positive for the presence of Cocaine. He indicated he "must have used cocaine after drinking a lot of alcohol that night".

**United States Probation Officer Plan/Justification:** After illegal drug use was detected, Mr. Gonzalez's drug testing was increased to six random tests per month. No additional positive tests have been submitted. He was also referred to individual substance abuse counseling, where he attends one-hour sessions twice monthly. The probation officer will also monitor the releasee's alcohol consumption closely, as this appears to have helped lead him to lower inhibitions and drug use. Mr. Gonzalez has agreed not to consume alcoholic beverages for the remainder of his term of supervision. He has been in compliance with his other conditions of supervised release.

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It is respectfully recommended the Court take no formal action in the case at this time. Mr. Gonzalez is aware additional violations of this nature would likely result in his case being returned to Court for formal violation proceedings.

Respectfully submitted,

/s/ Richard W. Elkins

**RICHARD W. ELKINS**  
**United States Probation Officer**  
Telephone: (916) 683-3324

**DATED:** January 23, 2006  
Elk Grove, California  
RWE:kms

**REVIEWED BY:** /s/ Deborah A. Spencer  
**DEBORAH A. SPENCER**  
**Supervising United States Probation Officer**

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**THE COURT ORDERS:**

- ( X ) The Court Approves Probation Officer's Plan, and Orders No Further Action Be Taken At This Time.
- ( ) Submit a Request for Modifying the Conditions or Term of Supervision.
- ( ) Submit a Request for Warrant or Summons.
- ( ) Other:

January 27, 2006  
**Date**

/s/ Edward J. Garcia, Judge  
**Signature of Judicial Officer**

cc: United States Probation  
Richard Bender, Assistant United States Attorney  
Gretchen Von Helms, Defense Counsel

Attachment: Presentence Report